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House Document 99-151

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ORIGINAL

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REVIEW OF DEFERRALS

COMMUNICATION

FROM

THE COMPTROLLER GENERAL OF THE UNITED STATES

TRANSMITTING

A REPORT ON THE REVIEW OF THE PRESIDENT'S SECOND
SPECIAL MESSAGE FOR FISCAL YEAR 1986 (NOVEMBER 25, 1985)
PROPOSING EIGHT NEW DEFERRALS, PURSUANT TO 2 U.S.C. 685



JANUARY 21, 1986.—Referred to the Committee on Appropriations and
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COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, DC, January 6, 1986.

B-220532.

Hon. THOMAS P. O'NEIL, Jr.,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: On November 25, 1985, the President's second special message for fiscal year 1986 was submitted to the Congress pursuant to the Impoundment Control Act of 1974. The special message proposes eight new deferrals totalling \$2,023,327,275. Our report follows:

FUNDS APPROPRIATED TO THE PRESIDENT

D86-24 *International Security Assistance
Economic Support Fund*
Amount Deferred: \$1,222,216,000
115/61037 115/71037 11X1037

DEPARTMENT OF COMMERCE

D86-25 *National Oceanic and Atmospheric Administration
Fisheries Loan Fund*
Amount Deferred: \$1,959,000
12X5123

As a result of the enactment, subsequent to this deferral, of the Department of Commerce Appropriation Act for fiscal year 1986 (Pub. L. No. 99-180, December 13, 1985), providing no new budget authority for the fisheries loan fund, and a change in the figure for unobligated balance brought forward, total budgetary resources for this account are \$1,797,436, not \$3,525,000 as reported. The amount of the deferral, according to agency officials, is the entire \$1,797,436.

The report is technically correct in identifying these funds as "no-year." However, the Fisheries Loan Fund, which is the subject of this deferral, will cease to exist on September 30, 1986. Any balance then in the Fund or moneys received thereafter are to be covered into the Treasury as miscellaneous receipts. 16 U.S.C. § 742c(c). The effect of this provision is that, unless the law is changed, the funds are essentially not no-year, but annual, expiring at the end of fiscal year 1986. According to the report, no extension of the authorization will be requested by the President.

The message says that the funds are deferred "pending congressional consideration of the President's proposal." An official of the Office of Management and Budget (OMB) explained, in response to our inquiry, that various proposals are now under consideration in the Administration, one of which is to seek legislative transfer of these funds to another account. OMB anticipates that whatever

proposal is decided upon will be submitted as part of the President's budget message for fiscal year 1987.

These facts—a full year deferral of what are in effect annual funds, with no clear indication under what conditions the funds would be made available—raise the question whether this message should be reclassified as a rescission. However, the matter is now under active consideration in the Administration and some action is expected within a few weeks. A deferral at least while the decision is being made is appropriate. We intend to reexamine this deferral in light of the President's budget message to determine whether, in light of whatever proposal he makes, if any, it is still appropriately classified.

D86-26 *National Oceanic and Atmospheric Administration*
Promote and develop fishery products and research pertaining to American fisheries
Amount Deferred: \$32,333,000
13X5139

In deferral D86-26, the President reports a deferral of \$32,333,000 from this account pending congressional action on a proposal to transfer these funds to the National Oceanic and Atmospheric Administration's "Operations, Research, and Facilities" account. Subsequent to the President's report, the Department of Commerce Appropriation Act for fiscal year 1986 transferred \$35,700,000 from this account to the "Operations, Research, and Facilities" account.

DEPARTMENT OF DEFENSE—MILITARY

D86-27 *Family Housing, Defense*
Amount Deferred: \$11,800,000
575/90704 574/80704 573/70704 572/60704

DEPARTMENT OF HEALTH AND HUMAN SERVICES

- D86-28 *Social Security Administration*
Limitation on Administrative Expenses (Construction)
 Amount Deferred: \$6,489,137
 75X8704

DEPARTMENT OF TRANSPORTATION

- D86-29 *Federal Aviation Administration*
Facilities and equipment (Airport and airway trust fund)
 Amount Deferred: \$686,438,312
 69X8107 893/78107 695/98107
 692/68107 694/88107

DEPARTMENT OF THE TREASURY

- D86-30 *Office of the Secretary*
Local Government Fiscal Assistance Trust Fund
 Amount Deferred: \$7,742,617
 20X8111
- D86-31 *Office of Revenue Sharing*
Local Government Fiscal Assistance Trust Fund
 Amount Deferred: \$51,849,209
 20X8111

We have reviewed the second special message. Except as noted above, we identified no additional information that would be useful to the Congress, and we believe that the proposed deferrals are in accordance with existing authority.

Sincerely yours,

MILTON J. SOCOLAR,
 Acting Comptroller General of the United States.



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